

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

DON WAYNE McKINNEY,)	
)	
Plaintiff,)	Case No. 2:10CV00061
)	
v.)	OPINION
)	
COMMONWEALTH OF)	By: James P. Jones
VIRGINIA, ET AL.,)	United States District Judge
)	
Defendants.)	

Don Wayne McKinney, Pro Se.

In this pro se action under 42 U.S.C.A. § 1983 (West 2003), the plaintiff seeks to proceed in forma pauperis, pursuant to 28 U.S.C.A. § 1915(a)(1) (West 2006). Based on the affidavit filed by the plaintiff, I will allow the complaint to be filed without payment of the filing fee. However, upon examination of the complaint, I find that it is without merit and will dismiss it.

According to the complaint, the plaintiff is on supervision pursuant to an order of a state court. He contends that he was “framed” and as relief sought, seeks “my drivers license reinstated by the court and a V.A. check to live on for the rest of my life in [sic] which I’m due.” (Compl. 2). He also asks that he be “taken off the conditional release without conditions.” (*Id.* at 3.)

The plaintiff fails to state a claim on which relief may be granted, and accordingly, his action will be dismissed pursuant to 28 U.S.C.A. § 1915(e)(2)(B)(ii) (West 2006).

A separate order will be entered herewith.

DATED: August 30, 2010

/s/ JAMES P. JONES
United States District Judge